

HOUSE No. 535

The Commonwealth of Massachusetts

PRESENTED BY:

Bradley H. Jones, Jr.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

Proposal for a legislative amendment to the Constitution establishing an independent redistricting commission and criteria for redistricting for state house of representatives, senate, and councilor districts.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bradley H. Jones, Jr.	20th Middlesex
George N. Peterson, Jr.	9th Worcester
Viriato Manuel deMacedo	1st Plymouth
Elizabeth Poirier	14th Bristol
F. Jay Barrows	1st Bristol
Paul K. Frost	7th Worcester
Susan Williams Gifford	2nd Plymouth
Bradford R. Hill	4th Essex
Jeffrey Davis Perry	5th Barnstable
Richard J. Ross	9th Norfolk
Todd M. Smola	1st Hampden
Robert S. Hargraves	1st Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

PROPOSAL FOR A LEGISLATIVE AMENDMENT TO THE CONSTITUTION ESTABLISHING AN INDEPENDENT REDISTRICTING COMMISSION AND CRITERIA FOR REDISTRICTING FOR STATE HOUSE OF REPRESENTATIVES, SENATE, AND COUNCILOR DISTRICTS.

A majority of all the members elected to the Senate and House of Representatives, in joint session, hereby declares it to be expedient to alter the Constitution by the adoption of the following Article of Amendment, to the end that it may become a part of the Constitution [if similarly agreed to in a joint session of the next General Court and approved by the people at the state election next following]:

ARTICLE OF AMENDMENT.

Article CI of the Articles of Amendment to the Constitution of the Commonwealth is hereby annulled, and the following is adopted in place thereof:--

Article CI

SECTION 1. The house of representatives shall consist of 160 members, each of whom shall be elected from one representative district. Every representative shall have been an inhabitant of the district for which he is chosen for at least one year at least immediately preceding his election and shall cease to represent such district when he shall cease to be an inhabitant of the commonwealth; provided, however, that for the first redistricting following the adoption of this article, the general court may suspend the residency requirement of this section.

SECTION 2. The senate shall consist of 40 members, each of whom shall be elected from one senatorial district. Every senator shall have been an inhabitant of the commonwealth for at least five years immediately preceding his election and shall be an inhabitant of the district for which he has been selected at the time of his election and shall cease to represent such senatorial district when he ceases to be an inhabitant of the commonwealth.

18 SECTION 3. The manner of calling and conducting the elections for the choice of
19 representatives, senators, and councilors, and of ascertaining their election, shall be prescribed by
20 law.

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22 SECTION 4. The federal census shall be the basis for determining the representative, senatorial,
23 and governor's council districts for the ten year period beginning with the first Wednesday of the
24 third January following the commencement of the taking of said census.

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26 SECTION 5. In the year after each census is commenced, and only in that year, an independent
27 redistricting commission, herein referred to as the commission, shall be convened and shall
28 divide the commonwealth into 160 representative districts, 40 senatorial districts, and eight
29 councilor districts. All districts shall comprise contiguous territory, shall be equal in population
30 to the extent required by law, and shall comply with federal constitutional and statutory
31 requirements. No district shall be drawn for the purpose or with the effect of diluting the voting
32 strength of any group based on race, ethnicity or language minority status, or for the purpose of
33 augmenting or diluting the voting strength of a political party, or any individual. In drawing
34 district lines, the commission shall not consider residential address, party affiliation, or partisan
35 voting history of any individual or groups of individuals, except to the extent necessary to avoid
36 dilution of voting strength based on race, ethnicity or language minority status. In addition, to
37 the maximum extent possible, district boundaries shall be drawn so as to: (1) maintain the unity
38 of well-defined municipal neighborhoods; (2) observe municipal boundaries; (3) establish
39 senatorial districts that follow representative district boundaries; (4) establish councilor districts
40 that follow representative district boundaries and (5) promote geographic compactness of
41 districts. If it is not possible to draw district boundaries that fully comply with these criteria
42 while also complying with the mandatory requirements set forth herein, then districts shall be
43 drawn to optimize the criteria in the order of priority set forth hereinabove. The commission
44 shall also consider communities of interest in determining which cities, towns, or neighborhoods
45 thereof to aggregate into a single district.

46
47 SECTION 6. (a) The commission shall consist of seven member commissioners. On or before
48 January 15 of the year following the commencement of the federal census, the following offices
49 shall each appoint one member of the commission: the governor of the commonwealth, who
50 shall appoint a dean or professor of law or political science or government at an institution of
51 higher learning in the commonwealth; the attorney general of the commonwealth, who shall
52 appoint a retired justice who resides in the commonwealth; and the secretary of the
53 commonwealth, who shall appoint an expert in civil rights law who is a resident of the
54 commonwealth.

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56 (b) By the same date, the house speaker, the house minority leader, the senate president, and the
57 senate minority leader shall each nominate three individuals. The appointees chosen by the
58 governor, attorney general, and secretary of the commonwealth shall then select one of the three
59 nominees named by each said official.

60

61 (c) If nominations or appointments are not made by January 15 of such year, the office
62 responsible for making the appointment or nominations shall forfeit its rights under this section
63 and the remaining direct appointees shall then make an appointment to fill the vacancy.
64 Nominations and appointments shall reflect the geographic, racial, ethnic, gender, and age
65 diversity of the commonwealth to the maximum extent feasible and shall be selected on the basis
66 of civic involvement and knowledge of redistricting policy, civil rights, political science,
67 demographics or statistics, election expertise, voting rights, community organizing, or law. No
68 person nominated or appointed to the commission, in the five years preceding such nomination
69 or appointment, shall have held Congressional, state legislative or statewide elective office, or
70 shall have served as mayor or city councilor of a city in the commonwealth, governor's
71 councilor, or shall have been elected to a state or federal party committee; or shall be a current
72 employee, agent or family member of any of the above; or, in the two years preceding such
73 nomination or appointment, shall have been a legislative agent. The commissioners shall agree:
74 (1) not to stand for election to the general court, congress, or the governor's council until districts
75 are redrawn following the next census; (2) to apply the provisions of this article in an honest,
76 independent, and impartial fashion; and (3) to act at all times so as to uphold public confidence
77 in the integrity of the redistricting process.

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79 SECTION 7. The commission shall be convened no later than February 15 of the year following
80 the commencement of the decennial census. The commission shall disband only upon final
81 adoption and exhaustion of judicial review of challenges to representative, councilor, and
82 senatorial districts.

83

84 SECTION 8. The commission shall hire staff and may retain experts to assist it in the
85 performance of its duties. The commission shall establish rules governing its operation and
86 procedures. Commissioners may receive compensation for actual time spent on commission
87 duties and shall be reimbursed for reasonable and necessary expenses. The budget of the
88 commonwealth shall provide adequate funding for the operation of the commission.

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90 SECTION 9. A member of the commission or an appointing authority may petition the supreme
91 judicial court to remove a commissioner on the grounds of neglect, misconduct, or inability to
92 perform the duties of a commissioner. A vacancy so created shall be filled by the office which
93 appointed the removed commissioner or by the nomination and selection process set forth in
94 section 6, as applicable.

95
96 SECTION 10. All meetings of the commission shall be open to the public, consistent with the
97 laws of the commonwealth concerning open meetings as of the date of the adoption of this
98 Article. All documents produced by or for the commission shall be public. The commission
99 shall hold public hearings in at least five geographically disbursed counties. The public shall be
100 afforded the opportunity to submit proposed maps for consideration by the commission and the
101 commission shall make map-making software available for public use. The commission shall
102 take all steps necessary to ensure that the public can exercise its right to review and comment on
103 proposed district maps before they are approved and shall publish all preliminary and final plans
104 in publicly accessible forums that are free of charge and that ensure wide public distribution.
105 Proposed districts shall be presented in both graphic and narrative form.

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107 SECTION 11. (a) Within 120 days of the completion of the decennial census, the commission
108 shall prepare and publish for public comment a preliminary plan for representative, councilor,
109 and senatorial districts. The public shall have a three-week period to comment on the
110 preliminary district plan. The commission may revise the preliminary district plan in response to
111 public comment and shall submit the revised plan to the general court, which shall vote on the
112 revised plan. If the plan is rejected, the commission shall prepare, publish, revise, and submit a
113 second-round preliminary district plan in the same manner as the first. Following the period for
114 public comment, the commission shall submit the revised plan to the general court for a vote. If
115 the general court votes to reject the second-round plan, the commission shall prepare, publish,
116 revise, and submit a third-round preliminary district plan, in the same manner as the first. If the
117 general court rejects the third-round plan, then the commission shall prepare, publish, and revise
118 a fourth-round plan in the same manner. The plan, so revised, shall become law without
119 submission to or approval by the general court.

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121 (b) With respect to each plan the commission submits to the general court for a vote, the vote
122 must be taken within two weeks of submission. No amendments to the plan as submitted may be
123 made. If the plan is approved by a majority of the members of the house of representatives and
124 the senate present and voting or if no vote is taken within the two-week period, then the plan as
125 submitted shall become law.

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127 SECTION 12. Original jurisdiction is hereby vested in the supreme judicial court upon the
128 petition of any voter of the commonwealth for judicial relief relative to the establishment of the
129 representative, councilor, and senatorial districts. The general court may by law limit the time
130 within which judicial proceedings may be instituted to challenge any redistricting map.

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